

# Notice of Allowability

Application No.

10/623,872

Examiner

Sanza L. McClendon

Applicant(s)

KONDO, AI

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/27/05 and 11/15/2005.
2. ☒ The allowed claim(s) is/are 1,3,5-10 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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### **DETAILED ACTION**

#### **Response to Amendment**

1. In response to the Amendment received on September 27, 2005, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 2, 4, and 13.

2. The Declaration under 37 CFR 1.132 filed November 15, 2005 is sufficient to overcome the rejection of claims as found in the previous Office Actions based upon prior art references Hiwara et al (6,166,100); Shimizu et al (4,680,058); and Watanabe et al (6,783,840).

#### **Response to Arguments**

3. Applicant's arguments, see Remarks/Amendment/Declaration, filed September 27, 2005 and November 15, 2005, with respect to claims 1, 3, 5-10 and 12 have been fully considered and are persuasive. The rejection of claims 1-3, 6-10, and 12-13 under 35 USC 103(a) as being unpatentable over Hiwara et al (6,166,100) in view of Shimizu et al (4,860,058) has been withdrawn. The rejection of claims 1-2, 5-6, 8-9 and 12 under 35 USC 103(a) as being unpatentable over Watanabe et al (6,783,840) in view of Shimizu et al (4,860,058) has been withdrawn.

#### **Allowable Subject Matter**

4. Claims 1, 3, 5-10, and 12 are allowed.

5. The following is an examiner's statement of reasons for allowance: Applicant's Declaration established that the viscosities of the prior art compositions, in the prior art made of record, are not within the instantly claimed viscosity range. Said Declaration show that the prior art viscosities are too high in comparison to the instantly claimed viscosity. Accordingly, it has been deemed that the instantly claimed invention is not found in the prior art, taken alone or in combination. Therefore the above listed claims are now allowable with respect to the prior art made of record.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

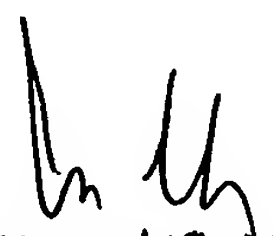
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon

Examiner

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SMc

  
James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700